

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Jeremiah Ybarra,

Case No. 20-cv-2091 (WMW/LIB)

Petitioner,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

v.

Warden Kallis,

Respondent.

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This matter is before the Court on the December 2, 2020 Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois. (Dkt. 5.) No objections to the R&R have been filed. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error. Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The December 2, 2020 R&R, (Dkt. 5), is **ADOPTED**.

2. Petitioner Jeremiah Ybarra's Petition for Writ of Habeas Corpus, (Dkt. 1), is

**DISMISSED WITHOUT PREJUDICE.**

3. Petitioner Jeremiah Ybarra's application to proceed *in forma pauperis*, (Dkt. 4), is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 17, 2021

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge